

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CRIMINAL NO. 18-249-9</b>
	:	
<b>DENNIS HARMON</b>	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019 upon consideration of Defendant Dennis Harmon's Motion *in Limine* for a Date Certain for Identification of Video Clips, it is hereby **ORDERED** that Defendant's Motion is granted. The government shall identify the video clips it intends to use in its case in chief at the trial in *United States v. Dennis Harmon*, and shall identify anyone in those clips it believes to be Mr. Harmon, on or before \_\_\_\_\_.

**BY THE COURT:**

\_\_\_\_\_  
**HON. MICHAEL B. BAYLSON**  
**United States District Court Judge**

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<b>UNITED STATES OF AMERICA</b>	:	
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	:	
<b>DENNIS HARMON</b>	:	

**DEFENDANT DENNIS HARMON'S MOTION IN LIMINE FOR A DATE CERTAIN  
FOR IDENTIFICATION OF VIDEO CLIPS**

Defendant Dennis Harmon, by undersigned counsel, respectfully moves this Honorable Court for entry of an order requiring the government to identify by a date certain the video clips it intends to play in its case in chief at trial in the above-referenced case, and any person therein it believes to be Mr. Harmon. Mr. Harmon respectfully requests that the government be required to provide this information at least three weeks prior to jury selection. In support thereof, defendant states as follows:

1. Trial in *United States v. Dennis Harmon* is scheduled to begin with jury selection on September 5, 2019 and testimony on September 9, 2019.
2. The government has produced in discovery hundreds and hundreds of hours of pole camera videotape taken on the 3200 block of N. Sydenham Street.
3. In the initial discovery produced in December 2018, the government produced approximately four specific video clips.
4. At the status conference on December 13, 2018, counsel and the Court discussed the question of whether the government had produced all of the specific clips it intended to use at trial, and whether the government had identified the defendants it believes appear on the clips. (A copy of the transcript of that hearing is attached; the relevant discussion is at pages 23-27.)

The government represented that it had done what it could at the time, and the Court left the door open for defense counsel to again raise the issue closer to trial.

5. Undersigned counsel has requested that government counsel identify the clips it intends to use in its case in chief, and any places on those clips it believes Mr. Harmon appears.

6. The government has agreed to do so, and has advised counsel that the agents are working on this request.

7. Mr. Harmon respectfully requests that a deadline for production of this information be set by the Court so that the responsible agency will appropriately prioritize the work, and that the government be required to provide this information by August 15, which is three weeks prior to jury selection.

8. This amount of time is needed by counsel to adequately prepare for trial. If the government provides actual clips, counsel must have her technology support experts convert the clips to a different program before counsel can view them, because the government's program is un-viewable on counsel's computer equipment unless off-site technology consultants completely disable virus protection on her computer system -- obviously an unpalatable situation. If the government simply provides dates and times for the clips, counsel's technology support experts will need time to extract those clips from the hard drives previously produced and provide the clips to counsel. Once counsel receives them, she must have adequate time to view them, review them with her client, and locate and extract any additional clips she believes are necessary for completeness, etc. All of this must be done while counsel (a solo practitioner) is handling all of the other tasks necessary to prepare for trial.

9. Although the government has had a change in prosecutorial personnel, the case agents remain the same, and the government has been on notice since December 2018 that this task will be necessary.

10. In discussions with counsel over the past week or two, the government prosecutors have been cooperative and have indicated their willingness to provide the requested information. However, they are unable to commit to the proposed date without further communications with the agents.

11. Because the video clip identifications are crucial to defense trial preparation in the last month prior to trial, and because undersigned counsel will be away on vacation from August 2 through August 9, 2019, counsel is filing this motion in hopes of the prompt entry of a deadline for production of the requested information, so that the work will be prioritized appropriately at the responsible agency.

For all these reasons, defendant Dennis Harmon respectfully requests that the Court enter an order requiring that no later than August 15, 2019, the government identify the pole camera clips it intends to use in its case in chief at trial, and any persons therein it believes to be Mr. Harmon.

Respectfully submitted,

/s/ \_\_\_\_\_  
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Attorney for Defendant Dennis Harmon

August 1, 2019

**CERTIFICATE OF SERVICE**

I, Ann C. Flannery, counsel for defendant Dennis Harmon, hereby certify that on this 1<sup>st</sup> day of August, 2019, I caused a true and correct copy of the foregoing Motion *in Limine* for a Date Certain for Identification of Video Clips to be served by ECF upon all counsel of record, including the following:

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/s/

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